

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 6, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber located at 101 City Hall Plaza with the following members present: Mayor William V. “Bill” Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Dianalynn Schreiber.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the Pledge of Allegiance led by Council Member Brown.

[CEREMONIAL ITEMS]

Mayor Bell read a proclamation announcing Lisa P. Angels Day; presented the proclamation to LaManda Chestnut-Pryor, President of the Lisa P. Angels Foundation. Ms. Chestnut-Pryor thanked Council for the proclamation and invited the public to the 5K Walk/Run on Saturday, April 18th beginning at W.G. Pearson Elementary School to support diabetes research.

Mayor Bell read the proclamation announcing National Community Development Week; and presented the proclamation to Reginald Johnson, Director of Community Development.

Community Development Director Johnson recognized Citizens Advisory Committee members in the audience and the Citizens’ Advisory Liaison/Council Member Eddie Davis; stated that Community Development Week celebrated the important role that the federal CDBG (Community Development Block Grant) and HOME Investment Partnerships Programs play in revitalizing cities across the country; stated the Department was tasked with the administration and delivery of grant funds, as well as, local community development funding, along with millions of dollars in private investments that the funds generate; added the Community Development Department along with the Citizens Advisory Committee annually reviewed potential uses of CDBG, HOME, and Dedicated Housing Funds to revitalize neighborhood’s such as Durham’s Southside neighborhood and to create affordable housing for special populations at Denson Apartments for homeless veterans; addressed the needs of homeless persons and families; announced that staff’s efforts in using CDBG and HOME programs in Southside’s on-going revitalization were recognized with the Audrey Nelson Award presented by the National Community Development Association in Washington, DC, one of only seven cities across the United States to be so honored; acknowledged that he had been invited to serve on the Housing Panel at the John F. Kennedy School of Government at Harvard University; and accepted the proclamation on behalf of his staff and the Citizens Advisory Committee.

Mayor Bell read the proclamation announcing The Week of the Young Child; and presented the proclamation to Daniel Robinson, member of the Board of Directors, Durham’s Partnership for Children.

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Mr. Robinson spoke to the Durham Partnership for Children that was the SMART Start agency in Durham County; recognized community advocates Paulette Stevens, Mayor Bell, City Manager Bonfield, Laura Benson, Rhonda Parker, Amy Blalock, Toya Merritt, Nick Allen and his wife, Mrs. Robinson; emphasized the importance of early childhood education and its impact on the future workforce; announced upcoming Kindergarten Registration Week; spoke to the essential need for accessibility to quality childcare by caregivers; and encouraged the public to attend the 20th Anniversary of the Durham Partnership for Children on April 23rd.

Mayor Bell read the proclamation announcing National Mayor's Challenge for Water Conservation; and presented the proclamation to Don Greeley, Director of Water Management.

Water Management Director Greeley, presented a video of the National Mayor's Challenge for Water Conservation, referenced active competition being conducted between municipalities during April 1-30, 2015 involving active on-line pledging by the Durham citizens to conserve water; introduced mascot *Wayne Drop*; encouraged the public to participate in the challenge; spoke to potential prizes for individuals and cities; and referenced www.mywaterpledge.com and www.durhamsaveswater.org for additional information.

Mayor Bell read the proclamation announcing Fair Housing Month; and presented the proclamation to Larry Revelle, Human Relations Specialist of the NIS Department.

Mr. Revelle expressed appreciation for the proclamation; referenced various Fair Housing Month activities; and deferred to Mr. Martinez-Gallo, Bi-Lingual Human Relations Specialist, who presented a Fair Housing-themed statement translated into Spanish.

Mayor Bell read the proclamation announcing Everyone Matters Day; and presented the proclamation to Ricky Hart, Chair of Human Relations Commission; Phil Seib, Vice-Chair of the Human Relations Commission; Marge Clemmons, Mayor's Committee for Persons with Disabilities; and Taylor Walker, Representative of the Durham Youth Commission.

Ms. Walker made a statement regarding Everyone Matters Day on April 2, 2015; encouraged acceptance of others, the celebration of each person's individuality and uniqueness without ridicule and judgment; spoke to utilizing social media in a positive way (#iam) to promote self-acceptance, pride, identity and personal empowerment; and thanked Council and the public for supporting the Durham Youth Commission.

Mr. Hart spoke on behalf of the Human Relations Commission; and reiterated the importance of everyone being a part of finding solutions to problems.

Mayor Bell read the proclamation announcing Sexual Assault Awareness Month; presented the proclamation to Charlene Reiss, Durham Crisis Response Center, Sexual Assault Representative; referenced the *Start by Believing* Public Awareness Campaign; and the website to obtain additional information.

Ms. Reiss thanked the Durham's Crisis Response Center and the Durham Police Department Special Victims' Unit and Investigator Quincey Tait; stated that the *Start by Believing* Campaign was intended to support victims of sexual assault and promote understanding amongst their

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confidants; and announced the county-wide *First Take Back the Night March* on April 17th at 5:30 p.m. beginning at the Durham Farmer's Market.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council.

Mayor Pro Tempore Cole-McFadden shared a story regarding water conservation which involved her pet "Dallas"; and spoke on the importance of water conservation.

Mayor Bell referenced his daughter receiving a phone call from her grandmother and that the call referenced Lowell Oakley, who was a contender on the musical competition NBC TV show, *The Voice*; and urged all to vote in support of Lowell Oakley, who was part of Pharrell Williams' team.

Mayor Bell announced a wager with Mayor Soglin of Madison, Wisconsin regarding the 2015 NCAA Basketball Championship game results that involved either Wisconsin's finest cheese or North Carolina Bar-B-Que being shipped to the victorious municipality.

Council Member Brown made an announcement in regard to the achievements of his twin brother's son, Nick Brown, a graduate from University of Southern California; and stated that his nephew Nick, who was in his final year of *Teach for America* in Mississippi, had been named a Fulbright Scholar and was expected to be assigned to teach at a university in Columbia, South America.

[PRIORITY ITEMS]

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk.

City Manager Bonfield stated that several applicants for public hearing cases had requested continuations on Items 15, 17, 18, 21 and 22; recommended that Council open and continue the public hearings to the April 20, 2015 Council meeting. The City Manager announced each public hearing item that was being requested for continuance.

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to accept the City Manager's priority items was approved at 7:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Attorney and City Clerk responded that they had no priority items.

Mayor Bell explained that the Consent Agenda was approved with a single motion and items pulled from the agenda by any citizen or council member would be discussed at the end of the agenda.

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Mayor Bell read each consent agenda item and stated that a citizen had requested that Items 5 and 12 be pulled for further discussion.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the Consent Agenda excluding Items 5 and 12 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to approve the City Council Minutes for the January 22, 2015 and February 5, 2015 City Council Work Sessions and the February 2, 2015 and February 19, 2015 City Council Meetings was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: MAYOR'S APPOINTEE - DURHAM HISTORIC PRESERVATION COMMISSION

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to reappoint Wanda Waiters to the Durham Historic Preservation Commission as a Mayor's Appointee with the term to expire on September 1, 2017 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: DURHAM CITY-COUNTY APPEARANCE COMMISSION - APPOINTMENTS

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to appoint Davida Major and to reappoint Ted Maynor to the Durham City-County Appearance Commission with the terms to expire on April 1, 2018 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to accept the streets and infrastructure for maintenance by the City of Durham was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council

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Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Weston Downs –Phase 2

- 1) Weston Downs Drive – from the north curb line of Ephesus Church Road north to the end of Phase 2 construction at STA 21+30 (1,110'), and
- 2) Marena Place – from the beginning of Phase 2 construction at STA 11+14 northeast through the cul-de-sac (658'), and
- 3) Myra Glen Place - from the centerline of Weston Downs Drive northeast through the cul-de-sac (835'), and
- 4) Merry Oaks Lane – from the centerline of Marena Place to the centerline of Myra Glen Place (300').

Weston Downs – Phase 2 Additional Infrastructure

- 1) Sanitary Sewer Outfall – from existing outfall on the north side of Ephesus Church Road east to STA 10+52 of Weston Downs Drive (137'), and
- 2) Sanitary Sewer Outfall – from existing sewer at STA 11+75 of Weston Downs Drive, northeast, then northwest to an existing outfall (304').

SUBJECT: BID REPORT-FEBRUARY 2015

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to receive a report and to record into minutes bids which were acted upon by the City Manager during the month of February 2015 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.



City of Durham | North Carolina

Date: March 3, 2015

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page, Deputy City Manager

From: David Boyd, Finance Director

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Jonathan Hawley, Purchasing Supervisor

Subject: Bid Report - February 2015

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of February 2015

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: Video Wall Upgrade

Purpose of Bid: Provides the Transportation Department with a digital upgrade for the Traffic Central System. The video wall is use to observe traffic flow and adjust traffic signal timing as needed.

Comments:

Opened: 1/30/2015

Bidders: Protronix * \$21,446.50

Charlotte, NC

Mitsubishi \$42,693.00

Fort Lauderdale, FL

*Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----------|------------|-----------------|----------|------------|
| Total Workforce | <u>8</u> | | # Black Males | <u>0</u> | <u>0%</u> |
| Total # Females | <u>1</u> | <u>13%</u> | # White Males | <u>7</u> | <u>87%</u> |
| Total # Males | <u>7</u> | <u>87%</u> | # Other Males | <u>0</u> | <u>0%</u> |
| | | | # Black Females | <u>0</u> | <u>0%</u> |
| | | | # White Females | <u>1</u> | <u>13%</u> |
| | | | # Other Females | <u>0</u> | <u>0%</u> |

2. Bid: Defibrillator Sets

Purpose of Bid: Provides the Fire Department with ten (10) replacement defibrillator sets.

Comments:

Opened: 1/30/15

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| | | | |
|----------|----------------------------------|---|-------------|
| | 10 sets @ \$32,618.30 | | |
| Bidders: | Southeastern Emergency Equipment | * | \$32,618.30 |
| | Raleigh, NC | | |
| | BoundTree Medical | | \$35,801.00 |
| | Dublin, OH | | |

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 41 | | # Black Males | 1 | 2% |
| Total # Females | 24 | 59% | # White Males | 16 | 39% |
| Total # Males | 17 | 41% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 5% |
| | | | # White Females | 22 | 54% |
| | | | # Other Females | 0 | 0% |

3. Bid: SUV Vehicle

Purpose of Bid: Provides the Fleet Maintenance Department with replacement SUV vehicle for the Police Department.

Comments:

| | | | |
|----------|----------------------|---|-------------|
| Opened: | 2/10/2015 | | |
| Bidders: | Sir Walter Chevrolet | * | \$22,031.88 |
| | Raleigh, NC | | |
| | Hendrick Chevrolet | | \$31,707.13 |
| | Cary, NC | | |

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 55 | | # Black Males | 5 | 9% |
| Total # Females | 14 | 25% | # White Males | 34 | 62% |
| Total # Males | 41 | 75% | # Other Males | 2 | 4% |
| | | | # Black Females | 1 | 2% |
| | | | # White Females | 11 | 20% |
| | | | # Other Females | 2 | 4% |

SUBJECT: BID-ANNUAL POLICE VEHICLE PURCHASE FROM HORACE ILBERTON LLC, DODGE CHRYSLER-JEEP AND SPORTS DURST

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to enter into a contract to purchase five (5) Rear Wheel; Drive, Patrol V8 TACT Police Automobiles (Item no.1) in the amount of \$131,410.00 from Horace Ilderton LLC. Dodge Chrysler-Jeep; and

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To authorize the City Manager to enter into a contract to purchase eighteen (18) Rear Wheel Drive, Patrol V6 Police Automobiles (item no. 3), twelve (12) Rear Wheel Drive Patrol V8 Police Automobiles (item no. 4), eight (8) Rear Wheel Drive, Unmarked V6 Police Automobiles (item no. 5) in the amount of \$963,776.00 from Sport Durst Millennium Automotive Group was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: THIRD AMENDMENT TO CONTRACT FOR DESIGN SERVICES FOR THE WEST ELLERBEE CREEK TRAIL PHASE WITH STEWART ENGINEERING, INC.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the City Manager to execute the Third Amendment to Contract for Design Services for the West Ellerbee Creek Trail Phase with Stewart Engineering, Inc. in the amount of \$32,445.00 for a total contract amount of \$280,984.50;

To establish a design contingency in the amount of \$20,000.00; and

To authorize the City Manager to negotiate and execute amendments to the Professional Services Agreement for the West Ellerbee Creek Trail – Phase II Project with Stewart Engineering, Inc. provided the total contract cost does not exceed \$300,984.50 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: ENCROACHMENT EASEMENT AND AGREEMENT WITH DIAMOND VIEW I, LLC AT DURHAM BULLS ATHLETIC PARK

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to authorize the Mayor or City Manager to execute an Encroachment Easement and Agreement with Diamond View I, LLC allowing encroachment of balconies from the property of Diamond View I, LLC (Parcel ID 103357) over the property of the Durham Bulls Athletic Park (Parcel ID 103356) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: PROPOSED CONDEMNATION OF PROPERTY LOCATED AT 531 E. CARVER STREET (PARCEL ID 172105) FOR THE CARVER STREET EXTENSION PROJECT

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to find it is necessary, in the public interest and for the public use and benefit, to condemn the following interests in the property identified as parcel ID 172105: a fee simple in 2,432 square feet (0.06

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acres) as shown on the map entitled “Carver Street Extension Project Danube Lane to Old Oxford Road”, sheet 2 of 7, prepared by MSS Land Consultants (License C-2070), dated January 8, 2013, with a deposit into court of \$0.00 as the City’s estimate of just compensation; and

To authorize the City Attorney to initiate condemnation proceedings for that purpose was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Council disposed of the following agenda items at the March 19, 2015 Work Session:

6. Commitment to Integral Development, LLC for the Whitted School Project
(This item was approved at the 3-19-15 Work Session by a vote of 7/0)

13. Southside Neighborhood Association of Durham, Inc. (SNA) Tipping Point Presentation
(A presentation was received at the 3-19-15 Work Session)

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: ZONING MAP CHANGE - HENDRICK SOUTHPOINT OVERALL (Z1400023)

Assistant Planning Director Patrick Young stated the request was to change the zoning designation of 80.70 acres located at 107 Kentington Drive from Commercial General or CG with a development plan to Commercial General with a development plan to allow up to 330,000 square feet of commercial development; noted the request combined the recently approved zoning map changes Z1200025 (eastern portion of site) and Z1400002 (western portion of site); stated the site was within the F/J-B Watershed protection overlay; indicated the development plan associated with the request included commitments greater than ordinance standards regarding buffering, landscaping, lighting, limitations on hours of operation for construction activity and deliveries and a number of roadway improvements, in addition to other commitments which were outlined in detail in the staff report associated with the item; stated that staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and added that the Planning Commission recommended approval on February 10, 2015 by a vote of 12-0.

Mayor Bell opened the public hearing and stated there was a speaker to the item.

Lewis Cheek, representing the applicant, stated he was available for questions.

Being no additional speakers, Mayor Bell closed the public hearing.

MOTION by Council Member Moffitt, seconded by Mayor Pro Tempore Cole-McFadden, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400023 out of Commercial General with a development plan (CG(D)) and placing same in and establishing same as Commercial General with a development plan (CG(D)) was approved at 7:41 p.m. by the following vote: Ayes: Mayor Bell,

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Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14727

MOTION by Council Member Moffitt, seconded by Mayor Pro Tempore Cole-McFadden, to adopt a consistency statement as required by GS 160A-383 was approved at 7:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Unified Development Ordinance
Zoning Map Change Consistency Statement
By the Durham City Council
Regarding Z1400023, Hendrick Southpoint Overall

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL:

That final action regarding zoning map change Z1400023, Hendrick Southpoint Overall, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

SUBJECT: ZONING MAP CHANGE - SUTTON STATION (Z1400025)

To conduct a public hearing to receive comments on the zoning map change for Sutton Station (Z1400025);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400025 out of Office Institutional (OI) and placing same in and establishing same as Mixed Use with a development plan (MU(D)); and

To adopt a consistency statement as required by GS 160A-383.

[The site is located at 5800 Fayetteville Road, west side of Fayetteville Road south of Woodcroft Parkway, PINs 0729-03-00-7100].

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Earlier in the meeting, City Manager Bonfield requested that the public hearing be opened and continued to the April 20, 2015 City Council meeting.

The public hearing was opened by Mayor Bell.

MOTION by Council Member Catotti, seconded by Mayor Pro Tempore Cole-McFadden, to continue the public hearing on Zoning Map Change – Sutton Station (Z1400025) to the April 20, 2015 City Council Meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: COMPREHENSIVE PLAN AMENDMENT – HAMILTON CENTER II (A1400006)

To conduct a public hearing to receive public comments on the Hamilton Center II (A1400006) Plan Amendment; and

To adopt a Resolution to change the Future Land Use Map of the Durham Comprehensive Plan from Office to Commercial.

Earlier in the meeting, City Manager Bonfield requested that the public hearing be opened and continued to the April 20, 2015 City Council meeting.

The public hearing was opened by Mayor Bell.

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to continue the public hearing on Comprehensive Plan Amendment – Hamilton Center II (A1400006) to the April 20, 2015 City Council Meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: ZONING MAP CHANGE - HAMILTON CENTER II (Z1400021)

To conduct a public hearing to receive comments on the zoning map change for Hamilton Center II (Z1400021);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400021 out of Office Institutional (OI) and placing same in and establishing same as Commercial General with a development plan (CG(D)); and

To adopt a consistency statement as required by GS 160A-383.

[The site is located at 7010 NC 751 Highway, in the southwest corner of the NC 751 Highway and NC 54 Highway intersection, PIN 0718-01-18-1780].

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Earlier in the meeting, City Manager Bonfield requested that the public hearing be opened and continued to the April 20, 2015 City Council meeting.

The public hearing was opened by Mayor Bell.

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to continue the public hearing on Zoning Map Change – Hamilton Center II (Z1400021) to the April 20, 2015 City Council Meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: COMPREHENSIVE PLAN AMENDMENT – HIGHWAY 54 RESIDENTIAL (A1400005)

To conduct a public hearing to receive public comments on the Highway 54 Residential (A1400005) Plan Amendment; and

To adopt a Resolution to change the Future Land Use Map of the Durham Comprehensive Plan from Office to Medium-High Density Residential (8-20 DU/Acre).

Earlier in the meeting, City Manager Bonfield requested that the public hearing be opened and continued to the April 20, 2015 City Council meeting.

The public hearing was opened by Mayor Bell.

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to continue the public hearing on Comprehensive Plan Amendment – Highway 54 Residential (A1400005) to the April 20, 2015 City Council Meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: ZONING MAP CHANGE - HIGHWAY 54 RESIDENTIAL (Z1400018)

To conduct a public hearing to receive comments on the zoning map change for Highway 54 Residential (Z1400018);

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400018 out of Residential Suburban – 20 (RS-20), Office Institutional (OI), and Office Institutional with a development plan (OI(D)) and placing same in and establishing same as Residential Suburban – Multifamily with a development plan (RS-M(D)); and

To adopt a consistency statement as required by GS 160A-383.

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[The site is located at 1413-1501 NC 54 Highway, north side of NC 54 Highway between Barbee Road and Waterford Valley Drive and opposite Revere Road, PINs 0728-04-64-6426, -2401, -54-9591, -7507].

Earlier in the meeting, City Manager Bonfield requested that the public hearing be opened and continued to the April 20, 2015 City Council meeting.

The public hearing was opened by Mayor Bell.

MOTION by Council Member Moffitt, seconded by Council Member Catotti, to continue the public hearing on Zoning Map Change – Highway 54 Residential (Z1400018) to the April 20, 2015 City Council Meeting was approved at 7:43 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: ZONING MAP CHANGE - AUTOPARK CENTER (Z1400011)

Assistant Planning Director Patrick Young stated the request is to change the zoning designation of 6.23 acres located at 7520 NC 751 Highway which was at the northwest corner of NC 751's intersection with Interstate – 40, from its current zoning designation of Commercial Neighborhood (or CN) with a development plan to Commercial General (or CG) with a development plan to allow for a mix of retail and restaurant uses between 5,000 and 40,000 square feet of floor area; noted the development plan associated with the request included commitments for limitation of uses (no residential or electronic gaming), and roadway and access improvements in addition to other commitments which were outlined in the staff report associated with the item; he explained that staff determined the request was consistent with the *Durham Comprehensive Plan* and other adopted policies and ordinances; and stated that the Planning Commission recommended approval on February 10, 2015 by a vote of 12-0.

Mayor Bell opened the public hearing and stated there was a speaker to the item.

Patrick Byker, Attorney with Morningstar Law Group and representing the applicant, spoke in support of the 6.23 acre development, located directly across from the Auto Mall and next to I-40; recommended the parcel be zoned Commercial General; noted that the project would bring new jobs to Durham; appreciated the report from staff which supported request; indicated the Planning Commission unanimously supported the project; and requested Council's approval.

Council Member Catotti requested clarification on the buffer reduction and the wildlife corridor.

Patrick Young responded that the parcel located on the north and west side of site were adjacent to Core property with significant topography issues; it was determined that after the case was originally heard at Planning Commission, that it was necessary to preserve an opportunity for a buffer reduction consisting of a berm or wall to allow for a ten foot buffer reduction on the north and west side; therefore, if the wall was installed as required by ordinance, the buffer would be reduced. In terms of the natural heritage site, the staff and the Durham Open Space and Trails Commission identified the adjacent site as an exceptional quality natural heritage site; he referenced the State Natural Heritage Office having guidelines about recommended riparian buffers that allow wildlife to transit during periods of flooding in the adjacent area; referenced

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information submitted by the applicant and agreed to by DOST and staff for the corridor to be retained; and stated that Durham Open Space and Trails Commission requested the dedication of additional upland area, but the request was not committed.

Council Member Catotti spoke to concerns about gasoline sales being allowed directly adjacent to the lower New Hope Creek floodplain forest and slopes; stated that neighborhood commercial was more appropriate rather than general commercial for the site; stated the corridor area had not developed as hoped; expressed that she did not particularly object to the development but it did not reflect what she wanted to see for the area; and stated she would be voting 'no' on the request.

At the request of Council Member Davis, Attorney Patrick Byker introduced the officials from Sheetz that were in attendance.

Being no additional speakers, Mayor Bell closed the public hearing.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400011 out of Commercial Neighborhood with a development plan (CN(D)) and placing same in and establishing same as Commercial General with a development plan (CG(D)) was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Davis, Moffitt and Schewel. Noes: Council Member Catotti. Absent: None.

ORDINANCE #14728

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt a consistency statement as required by GS 160A-383 was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Unified Development Ordinance
Zoning Map Change Consistency Statement
By the Durham City Council
Regarding Z1400011, Autopark Center

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL:

That final action regarding zoning map change Z1400011, Autopark Center, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially

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adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the report and associated documents submitted to the City Council, and the information provided through the public hearing.

**SUBJECT: COMPREHENSIVE PLAN AMENDMENT – MAGNOLIA GRILL
(A1400008)**

Assistant Planning Director Patrick Young made a presentation regarding the request to change the FLUM designation of a 0.165-acre parcel from current Medium Density Residential to Commercial; indicated the location was on the East side of Ninth Street, between Englewood Avenue and West Knox Street; stated staff recommended approval of the request based on the review of the four criteria in the *Durham Comprehensive Plan* amendment changes; and added that the Planning Commission recommended approval on a 12-0 vote at its February 10, 2015 meeting.

Mayor Bell opened the public hearing and stated there were speakers to the item.

Ronald Horvath, representing the applicant, spoke in support of the item; verified that conversations had been conducted with neighbors and that the applicant had committed to the outdoor closing time of 9 p.m.; and requested Council's support of the item.

David Jolly, Durham resident, stated he did not oppose the rezoning but had lingering concerns about the project; he appreciated the 9 p.m. closing time and the limit on outdoor seating; he commended Monuts' efforts to address parking; expressed concerns about exacerbating the parking issue for the new outdoor space that was expected to accommodate an additional fifty patrons; stated that customers continue to park extremely close to the intersection of West Knox and Iredell making it dangerous to cross; suggested city signage on all four corners 'No Parking Here to Corner'; and requested Council's support to address the residents' concerns.

Mayor Bell stated the City Manager had made notes of Mr. Jolly's comments.

Mayor Bell stated that there were no additional speakers and closed the public hearing.

Council Member Schewel inquired about the installation of additional bike racks; and concurred that parking was challenging near Monuts.

Mr. Horvath confirmed that two additional bike racks were being installed on the new side in front of the location; and that a walkway/exit on the parking lot side was being eliminated in order to add approximately six additional parking spaces.

Council Member Brown requested the City Manager respond to Mr. Jolly's suggestion regarding signage.

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City Manager Bonfield responded that he would ask the Transportation staff to evaluate the situation; and stated that appropriate action would be taken to post the appropriate signs and initiate enforcement.

MOTION by Council Member Schewel, seconded by Council Member Brown, to adopt a Resolution to change the Future Land Use Map of the Durham Comprehensive Plan from Medium Density Residential (6-12 DU/Acre) to Commercial was approved at 7:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9921

SUBJECT: ZONING MAP CHANGE - MAGNOLIA GRILL (Z1400024)

Assistant Planning Director Patrick Young stated the request was to change the zoning designation of 0.482 acres on three parcels located at 1000, 1002, and 1004 Ninth Street, from the current designation of Commercial Neighborhood (CN) and Residential Urban - 5 to Commercial Neighborhood with a development plan; stated that if approved, the proposed expansion of the existing restaurant use would include outdoor seating; indicated the development plan associated with the request included commitments greater than ordinance standards to prohibit outdoor music and speakers, prohibits several uses on the site; and limits the amount and hours of operation of seating for an outdoor dining area; noted that in addition to the other commitments which were outlined in the staff report, there was one change to the commitments since the production of the staff report – the previous commitment limited the hours of operations for outdoor seating to no later than 10 p.m. – the applicant had proffered and the Planning Director had accepted a limitation on the hours of operation to no later than 9 p.m.; indicated that staff determined the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and noted that the Planning Commission recommended approval on February 10, 2015 by a vote of 12-0.

Mayor Bell opened the public hearing.

Being no additional speakers, Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400024 out of Commercial Neighborhood (CN) and Residential Urban – 5(2) (RU-5(2)) and placing same in and establishing same as Commercial Neighborhood with a development plan (CN(D)) was approved at 7:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14729

MOTION by Council Member Moffitt, seconded by Mayor Pro Tempore Cole-McFadden, to adopt a consistency statement as required by GS 160A-383 was approved at 7:59 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Unified Development Ordinance
Zoning Map Change Consistency Statement
By the Durham City Council
Regarding Z1400024, Magnolia Grill

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to approve a statement describing whether or not the action is consistent with the Durham Comprehensive Plan; and

Whereas the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to provide a brief statement indicating whether or not the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL:

That final action regarding zoning map change Z1400024, Magnolia Grill, is based upon review of the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing.

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: FY2015-16 BUDGET DEVELOPMENT GUIDELINES

Mayor Bell stated there was a speaker to the item.

Victoria Peterson, Durham resident, suggested that Council consider setting aside funds to rehabilitate individuals in the criminal justice system; referenced monies being generated by the City; crime in the African American community; she mentioned the CNN special program which talked about the number of American incarcerations vs. other countries; and expressed support for Council to include funds for job training in the upcoming budget.

Mayor Bell stated he did see the CNN program mentioned by Ms. Peterson.

Council Member Catotti stated that the agenda item consisted of budget guidelines that staff would utilize to prepare the budget; stated additional budget hearings were approaching and that she appreciated the speaker's comments; and added that the budget was scheduled to be adopted in June.

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MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Brown, to adopt the FY2015-16 Budget Development Guidelines was approved at 8:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

City of Durham
FY 2015-16 Budget Development Guidelines (revised)
March 19, 2015

REVENUES

- **The tax rate for the general fund should not exceed 34.34 cents** (per \$100 assessed value), except as follows:
 - **a portion of the tax rate may be transferred from the debt service fund to the general fund to supplant the loss of privilege license or sales tax revenue** if the General Assembly does not provide a replacement revenue source.
 - **a tax increase up to 1 cent** (per \$100 assessed value) **will be considered to fund priority public safety needs supported by data and strategy.**
- **The tax rate for debt service and cash funded capital shall not exceed 14.02 cents** (per \$100 assessed value).
- The tax rate for the **Solid Waste Fund shall not exceed 5.89 cents** (per \$100 assessed value).
- Funding of the Downtown **Business Improvement District (BID)** will continue with a tax rate appropriation of **7 cents** (per \$100 assessed value) on the property within the boundaries of the BID.
- The tax rate for the dedicated **Housing Fund be 1 cent** (per \$100 assessed value) property tax.
- The tax rate dedication for **Parks and Recreation improvements shall not exceed ½ cent** (per \$100 assessed value).
- The **Transit Operating Fund** will continue with a tax rate appropriation of **3.87 cents** (per \$100 assessed value) property tax.
- General Fund **savings balance** will not be projected to fall **below 12%** at the end of **FY2015-16**. Projected General Fund balance over 12% may be considered for one-time (non-recurring) expenditures.
- **Non-recurring funds** should not be directed toward recurring uses.
- **Fees adjustments** will be considered, as appropriate, to align fee revenues with cost of services for better cost recovery rates.

- Proposed **water and sewer rate** increases will not exceed an average of **3.0%**.
- **Stormwater rates will remain constant** for FY2015-16.

EXPENDITURES

To balance expenditures against forecasted revenue reductions, the City Manager shall continue to monitor performance data to guide focused discussions with City departments regarding **program and service** priorities, possible areas for elimination, reduction, reorganization, and/or alternative service delivery models that address the performance and efficiency of City programs.

- Program or service level reductions should be considered to balance the budget.
 - Program and service level prioritization should be established within each department.
 - Program and service reductions may result in elimination of authorized positions, reductions in force or employee furloughs within departments, as appropriate, based on service/demand.
- **City employees** are at the core of City services. **One objective under Goal 4 of the City's Strategic Plan is to “establish an exceptional, diverse, engaged and healthy workforce.** Attracting and retaining a competent, high quality workforce is essential to being a high performing organization. Therefore, employee compensation adjustments shall continue as a priority. The following **pay and benefit** components will be considered:
 - Pay for Performance (P4P) pay plan for General employees (average increase from 3.0% to 3.5%)
 - Pay Plan for sworn Police and Fire employees (3.5% average)
 - Supplemental Retirement -401K – Increase from 4.5% to 5.0%
 - Medical and Dental insurance – the priority will be to limit increased costs for the City and employees while maintaining the actuarial viability of the Medical & Dental Insurance Fund
- Priority will be given to those requests that support **strategic plan initiatives**.
- **Sidewalks** will be given the highest priority in the **Capital Improvement Plan (CIP)**.
- Funding for **deferred maintenance** shall be increased by **\$100,000** from **\$500,000** for FY2014-15 to **\$600,000** for FY2015-16.
- The dedicated **street resurfacing fund** shall be increased by **\$1,000,000**, from **\$1,000,000** for FY2014-15 to **\$2,000,000** for FY2015-16.
- Expansion of **Public transit services** will be evaluated within the **3.87 cents** (per \$100 assessed value) tax allocation and the **½ cent sales tax allocation for transit**.
- **Fleet** funding will be not to exceed **\$3,000,000** for the General Fund.

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- **New positions** will only be funded for a partial year when warranted by the timing of the actual operational impact on the budget.

SUBJECT: 2015 HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) GRANT AWARD

Mayor Bell stated there was a speaker to the item.

Victoria Peterson, Durham resident, expressed concerns about drugs that plagued the African-American community; stated that very few of the drug monies were being used for rehabilitation but rather for policing items; spoke on legalizing marijuana; and suggested that Council tell police officers that we no longer want to charge persons in Durham for using drugs.

MOTION by Council Member Catotti, seconded by Council Member Brown, to authorize the City Manager to accept the 2015 High Intensity Drug Trafficking Area (HIDTA) Grant by executing the grant documents; and

To adopt the 2015 High Intensity Drug Trafficking Area (HIDTA) Grant Project Ordinance in the amount of \$266,613.00 was approved at 8:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14726

There being no further business to come before the Council, the meeting was adjourned at 8:07 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk